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19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

22 DEXTER E. DALE,

| No. C 05-1842 JSW

23 Plaintiff,

| **STIPULATION AND [PROPOSED]
ORDER TO HOLD DEPOSITIONS
AFTER DISCOVERY CUTOFF
AS MODIFIED**

24 v.

25 L. FERNANDEZ AND L. LOUGH

| Dept: Courtroom 11, 19th Floor
26 Defendants.
27 Judge: The Hon. Jeffrey S. White

1 This Stipulation and [Proposed] Order To Hold Depositions After Discovery Cutoff is
2 filed by Plaintiff and Defendants.

3 WHEREAS, on January 25, 2012, Kay Keeching Yu of the California State Attorney
4 General's Office agreed to accept service of the deposition notice and subpoena on behalf of the
5 Correctional Training Facility in Soledad, California ("CTF"). The parties disagree as to whether
6 Kay Keeching Yu agreed to accept service of the document requests included within the
7 deposition notice and subpoena.

8 WHEREAS, on January 25, 2012 Plaintiff served by hand delivery the notice of
9 deposition and subpoena to CTF pursuant to Federal Rules of Procedure 30(b)(6) ("Rule
10 30(b)(6)") and 45 ("Rule 45") for a deposition to take place on February 24, 2012.

11 WHEREAS, on or about January 25, 2012 Plaintiff's counsel began meeting and
12 conferring with Defense counsel regarding dates for the depositions of Defendants Lough and
13 Fernandez.

14 WHEREAS, on February 14, 2012, Plaintiff noticed depositions for Defendant Lough on
15 February 23, 2012 and for Defendant Fernandez for February 28, 2012 per the agreement of
16 counsel.

17 WHEREAS, on February 22, 2012 Defense counsel informed Plaintiff's counsel that
18 CTF's Rule 30(b)(6) witness would be available to be deposed on March 7, 2012 and Defendant
19 Lough would be available to be deposed on March 9, 2012. Defense counsel has not requested an
20 extension of time for the production of documents pursuant to Rule 45.

21 WHEREAS, pursuant to the Order Scheduling Trial and Pretrial Matters the Court set
22 March 1, 2012 as the last day for non-expert discovery;

23 WHEREAS, allowing depositions after the discovery cutoff will not affect the current trial
24 schedule.

IT IS HEREBY STIPULATED AND AGREED SUBJECT TO APPROVAL OF THE
COURT THAT:

Plaintiff may hold the depositions of Defendant Lough and CTF's Rule 30(b)(6) witness after the discovery cutoff date of March 1, 2012.

Respectfully submitted,

DECHERT LLP
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AMY THAYER
CARL GISMER VIG

By: Amy Thayer
AMY THAYER

Counsel for Plaintiff DEXTER DALE

CAIFORNIA STATE ATTORNEY GENERAL'S
OFFICE

By: _____
KAY KEECHING YU

Counsel for Defendants L. FERNANDEZ and
L. LOUGH

If this stipulation resolves the issues presented by Plaintiff's motion for an extension of discovery, Plaintiff should submit a notice to that effect to the Court.

IT IS SO ORDERED. **Court.**

March 1, 2012

THE HONORABLE JEFFREY S. WHITE
United States District Judge